

# Exhibit 12



1 JASON C. LO, SBN 219030  
2 jlo@gibsondunn.com  
3 MATTHEW BENJAMIN (*pro hac vice*)  
4 mbenjamin@gibsondunn.com  
5 RAYMOND A. LAMAGNA, SBN 244821  
6 rlamagna@gibsondunn.com  
7 GIBSON, DUNN & CRUTCHER LLP  
8 333 South Grand Avenue  
9 Los Angeles, CA 90071-3197  
Telephone: 213.229.7000  
Facsimile: 213.229.7520

10 Attorneys for Plaintiff Netlist Inc.

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14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA  
16 SOUTHERN DIVISION

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18 NETLIST INC., a Delaware  
19 corporation,  
20 v.  
21 Plaintiff,  
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23 SAMSUNG ELECTRONICS CO.,  
24 LTD., a Korean corporation,  
25 v.  
26 Defendant.  
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19 CASE NO. 8:20-cv-993-MCS (ADS)  
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**NETLIST INC.'S STATEMENT OF  
GENUINE DISPUTES OF  
MATERIAL FACTS IN RESPONSE  
TO DEFENDANT'S STATEMENT OF  
ADDITIONAL MATERIAL FACTS**

	<p>Samsung had breached its obligations, e.g., by failing to provide a competitive price or by failing to deliver ordered products.</p> <p>Evidence:</p> <ul style="list-style-type: none"><li>• Dkt. 157-4 [Samsung MSJ Ex. 7] (Chuck Hong Dep. Tr.) at 164:11-21.</li></ul>
<p>10 55. Netlist argued in its Korean tax 11 appeal that: “the granting of cross 12 licenses under the [JDLA] is limited to 13 the joint research and development, and 14 hence in cases where Samsung 15 Electronics uses intellectual property 16 rights of [Netlist] in the course of its 17 own research and development, it does 18 not constitute something that can be 19 subject to the [JDLA].”</p> <p>20</p> <p>21 Choi Decl. ¶ 60, Exh. 59 at p.4.</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p>	<p>This alleged fact is a verbatim repeat of Defendant’s alleged SUF in support of its opening Motion for Summary Judgment, No. 65.</p> <p>Netlist does not dispute that the quoted language appears in documents. Disputed to the extent that Samsung characterizes this quote as suggesting that the patent license overall was limited to the parties’ “joint research and development.”</p> <p>The document quoted is a submission to Korean tax authorities describing the applicability of the patent license to conduct with a territorial nexus to the Republic of Korea. Netlist has no</p>

	<p>1 Korean patents, and therefore no patent 2 coverage as described in the quote. 3 4 Evidence: 5 • Dkt. 171-22, Ex. 94 to 8-30-21 6 LaMagna Decl. (Kam Report), ¶¶ 7 32-40. 8 9 Disputed as to the materiality of the 10 statement and immaterial. Neither of 11 Samsung's breaches are related to the 12 scope of the licenses granted under the 13 JDLA. 14 15 Evidence: 16 • Complaint, Dkt 13, at 4.</p>
17 56. The Korean tax tribunal relied on 18 Netlist's position that the license was 19 limited in making its ruling. 20 21 Dkt. 88-7 at p.7. 22 23 24 25 26 27 28	<p>This alleged fact is a verbatim repeat of Defendant's alleged SUF in support of its opening Motion for Summary Judgment, No. 66.  Disputed.  Defendant's cited supporting evidence does not state the characterization ascribed to it by Defendant. Defendant's citation to Dkt. 88-7 at p.7</p>

1 Dated: September 6, 2021

GIBSON, DUNN & CRUTCHER LLP  
By: Raymond LaMagna  
Raymond LaMagna  
333 South Grand Avenue  
Los Angeles, CA 90071  
213.229.7101  
rlamagna@gibsondunn.com

6 Attorneys for Plaintiff Netlist Inc.

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